

Notice of Allowability

Application No.

10/669,039

Examiner

Daniel C Crane

Applicant(s)

KLINKHAMMER ET AL.

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to May 5, 2005.
2. ☒ The allowed claim(s) is/are 1,3-10 and 12-18.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 5/4/05 & 5/26/05.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

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EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Peter Costas on May 26, 2005.

IN THE CLAIMS

Claim 1, line 3, --selectable-- has been inserted before "bending".

line 11, --selectable-- has been inserted before "bending".

line 12, --selectively-- has been inserted before "made".

Claim 10, line 6, --selectable-- has been inserted before "bending".

line 8, "a", second occurrence, has been deleted.

line 15, --selectable-- has been inserted before "bending".

line 16, --selectively-- has been inserted before "made".

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: One reason for allowance is that the claimed bending apparatus *inter alia* includes a swivelable bending tool in the form of a bending cheek that swivels about a swivel axis that runs in the direction of the

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bending line of the workpiece with the bending tool comprised of a multiplicity of segments with at least some of which can be selectively connected to the bending tool drive. Kutschker (5,627,135), which shows a bending tool of the kind claimed and includes a bending cheek made up of a multiplicity of segments 44, 54 that can be positioned into and out of operative contact with the workpiece 20. However, Kutschker does not show that the segments can be "selectively connected" to the bending tool drive 30. While MacGregor (5,067,340) shows that the bending tool segments 36 can be selectively connected to the bending tool drive, the bending tool is not swivelable about an axis running in the direction of the bending line of the workpiece. As to Folwell (GB 2,032,308), Folwell's segments 38 can be removed and attached to the tool drive 26 and, thus, are "selectively connected" to the tool drive. However, Folwell does not show a "selectable" tool drive where the "drive connection is selectively made to produce the bending action on the workpiece".

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

INQUIRIES

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner D. Crane whose telephone number is (571) 272-4516. The examiner's office hours are 6:30 AM – 5:00 PM, Tuesday through Friday. The examiner's supervisor, Mr. Derris Banks, can be reached at (571) 272-4419.

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Documents related to the instant application may be submitted directly by facsimile transmission at all times. The Examiner's Fax number is **(571) 273-4516**. Applicant(s) is(are) reminded to clearly mark any transmission as "DRAFT" if it is **not** to be considered as an official response. The Office Facsimile Center number is **(703) 872-9306**.

DCCrane
May 26, 2005

A handwritten signature in black ink, appearing to read 'Daniel C. Crane', with a long horizontal flourish extending to the right.

Daniel C. Crane
Primary Patent Examiner
Group Art Unit 3725